

## REMARKS

Claims 1-9 and 11-24 have been amended. Claim 10 has been canceled. Claim 1 now incorporates the features of claim 10.

### Objections to the Specification

The Office Action objects to the specification for informalities. *See* Office Action at page 5, ¶ 4. Applicants have amended the specification to correct all identified informalities. The amendments are only for form, and do not add new matter. Applicants therefore respectfully request that all of these objections be reconsidered and withdrawn.

### Objection to the Abstract of Disclosure

The Office Action objects to the Abstract of the Disclosure on the stated ground that it does not comply with the requirements for form summarized at MPEP § 608.01(b). *See* Office Action at page 5, ¶¶ 5-6. Applicants, in response, have deleted the original Abstract and respectfully submit a new Abstract that fully complies with all requirements for form. Applicants submit that the new Abstract is fully supported by the original application and therefore does not add new matter. Applicants therefore respectfully request that this objection be reconsidered and withdrawn.

### Objection to the Title of the Invention

The Office Action objects to the Title of the Invention on the stated ground that it is not descriptive of the invention. *See* Office Action at page 6, ¶ 7. Applicants, in response, have deleted the original Title and respectfully submit a new Title that Applicants respectfully submit as being descriptive of the invention. Applicants therefore respectfully request that this objection be reconsidered and withdrawn.

### Form for Claiming Priority

The Office Action acknowledges that the present application claims priority under 35 U.S.C. § 119(a)-(d) or (f). *See* Office Action at page 1, ¶ 12(a). The Filing Receipt also acknowledges Applicants' claim to priority. The Office Action also kindly recites statutory and procedural requirements for claiming priority to earlier filed applications, including the requirement to reference the priority application if priority is claimed under 35 U.S.C. § 119(e), 120, 121 or

365(c). *See* Office Action at pages 2-3. Applicants respectfully submit that the present application's claim to priority under 35 U.S.C. § 119(a)-(d) or (f) has been effectuated, and does not require that the specification be amended to reference the priority application. If the Examiner disagrees then Applicants respectfully request an opportunity to further respond.

#### Objections to the Drawings

With respect to the drawings, the Office Action states objections under two paragraphs, numbered "1" and "2", respectively, on pages 3-4 of the Office Action. Applicants are confused, however, regarding the objections under the Office Action's paragraph "1," because Applicants cannot locate the "reference sign(s)" that the Office Action states to be "mentioned in the description" on pages 12 and 16. Applicants therefore cannot respond to the paragraph "1" objections to Applicants' drawings. Clarification is respectfully requested.

With respect to the objections to the drawings under paragraph "2", Applicants attach hereto a set of six (6) substitute sheets and a corresponding set of six (6) marked-up sheets showing the changes that each substitute sheet makes to the previous version. Stated with greater specificity,

Figs. 1-3 - Applicants submit amendments to Figs. 1-3 deleting the reference number "301" and replacing the lower layers in Figs. 1 and 2 with a single unlabeled element. The single unlabeled element conforms, in terms of structure and arrangement with respect to the labeled layers, to the "base" that is described in the original specification. Applicants respectfully submit that this change does not add new matter; it simply makes the drawings conform to the written description. A person of ordinary skill would readily understand that the originally filed Figs. 1 and 2 were in error and that the "base" described by Applicants' original specification is what Figs. 1 and 2 were meant to depict.

Fig. 8 – Applicants have amended Fig. 8 to delete reference numbers "158", "160", "162", "164", "166", "168", "170", "172", "174", "176" and "178", and all figure portions labeled by same. The deleted reference numbers and figure portions are not recited in the original description and are not relevant to any of the pending claims within the meaning of 35 U.S.C. § 112, first paragraph.

Fig. 9 – Applicants have amended Fig. 9 to delete reference number "228" and reference letters "A" and "B", and all figure portions labeled by same. The

deleted references and figure portions are not recited in the original description and are not relevant to any of the pending claims within the meaning of 35 U.S.C. § 112, first paragraph.

Fig. 10 - Applicants have amended Fig. 10 to delete reference numbers “248”, “250”, “260”, “262” and “264” and all figure portions labeled by same. The deleted references and figure portions are not recited in the original description and are not relevant to any of the pending claims within the meaning of 35 U.S.C. § 112, first paragraph.

Fig. 17 - Applicants have amended Fig. 10 to delete reference numbers “25A”, “25B” and “25C” and all figure portions labeled by same. The deleted references and figure portions are not recited in the original description and are not relevant to any of the pending claims within the meaning of 35 U.S.C. § 112, first paragraph.

Applicants respectfully submit that all of the drawings are now in full compliance with 37 C.F.R. § 1.84(p)(5). Reconsideration and withdrawal of all objections to the drawings is therefore respectfully requested.

#### Objections to Claim Form

The Office Action objects to claims 2-24 for form, on the stated grounds that “‘An image forming apparatus’ is an improper reference to claim 1.” Office Action at page 6, ¶ 8. Applicants traverse the objection but, for purposes of expediting this application, have amended all of claims 2-9 and 11-24 to conform to the Office Action’s suggestion. Reconsideration and withdrawal of this objection is therefore respectfully requested.

Claim 8 has been amended to refer to the “surface quality determining means” which is set forth in independent claim 1. As such, claim 8 is now in proper format.

#### Rejections Not Based On Prior Art

Claims 8, 9, 10 (now canceled) and 12 are rejected under 35 U.S.C. § 112, second paragraph, on the stated grounds that “part” lacks antecedent basis. *See* Office Action at pages 6-7, ¶¶ 10-11. To expedite this application, Applicants have amended the subject claims to delete “part” or change “part” to “means,” to conform to the Office Action’s suggestion of language having proper antecedent basis. *See* claims 8 and 9 (both currently amended) at line 2, and claim 12

(currently amended) at lines 3, 4, 5 and 7. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

Rejections Based on Prior Art

Claims 1, 3, 4, and 8 were separately rejected as being anticipated by U.S. Patent 6,088,546 to Inoue. Claim 2 was rejected as being obvious over Inoue in view of U.S. Patent 5,986,741 to Kimura. Claims 5 and 6 have been rejected as being obvious over Inoue in view of U.S. Patent 6,560,351 to Hirota. Claim 9 has been rejected as being obvious over Inoue in view of U.S. Patent 6,425,650 to Walker. Claims 10, 11, 12, 14, and 16 have been rejected as being obvious over Inoue in view of U.S. Patent 6,939,002 to Janosky. Claim 13 has been rejected as being obvious over the Inoue/Janosky combination further in view of U.S. Patent Publication US2004/0037583 to Machida. Claims 15, 21, and 22 have been rejected as being obvious over the Inoue/Janosky combination further in view of U.S. Patent 6,193,361 to Wen. Claim 17 has been rejected as being obvious over the Inoue/Janosky combination further in view of U.S. Patent 6,010,791 to Tan. Claims 18 and 19 have separately been rejected as being obvious over the Inoue/Janosky combination further in view of U.S. Patent 5,764,262 to Wu. Claim 20 has been rejected as being obvious over the Inoue/Janosky combination further in view of U.S. Patent Publication US2004/0086694 to Ide. Claim 23 has been rejected as being obvious over a combination of Inoue, Janosky, and Wen further in view of U.S. Patent Publication US2004/00817999. Claim 24 has been rejected as being obvious over Inoue in view of U.S. Patent 6,900,882 to Lida and “admitted prior art” (interpreted only as an admission that thermosensitive recording sheets, inkjet sheets, electrophotographic sheets, heat developing sheets, and silver halide photographic or digital photographic sheets were known at the time of the invention, but have not been used in the context of the invention).

Each of the rejections set forth above are traversed.

Claim 1 has been amended to incorporate all the features of now canceled claim 10, and requires that the contact member be in the form of a sheet. Page 15, line 19 of the application describes an embodiment of the contact member as being in the form of a sheet cut to a desired size. For exemplary purposes, Figure 14c illustrates the embodiment of the contact member in the form of a sheet. That is, in Figure 14c, 3a, 3b, and 3c are connected to each other and form an endless

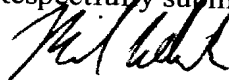
belt (as is set forth in claim 16). Neither Inoue, nor Janosky, nor any other references of record show or suggest a contact member in the form of a sheet being used in a surface treatment means of an image forming apparatus. As such, none of the claims are anticipated by any of the references, or are obvious over any combination of the references of record.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1-9 and 11-24 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



Michael E. Whitham  
Reg. No. 32,635

Whitham, Curtis & Christofferson, P.C.  
11491 Sunset Hills Road, Suite 340  
Reston, VA 20190

Tel. (703) 787-9400  
Fax. (703) 787-7557

Customer No.: 30743